

REMARKS

Claims 1-2, 4-11, 13-14, and 21-26 are currently pending in the above-referenced patent application. Claims 3, 12, and 15-20 have been cancelled. Claims 1-2, 4-10, and 13-14 have been amended. Claims 21-26 have been newly added.

Claims 1-2, 4, 7-8, 11, and 13-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Delp (U.S. Patent No. 6,081,276). Claims 5-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Delp.

In response to the rejection of claims 1-2, 4, 7-8, and 11 under 35 U.S.C. § 102(e) as being anticipated by Delp, the Applicants respectfully request reconsideration. These claims recite a method comprising searching for a specified multimedia data utilizing features and feature elements.

Delp relates to a method and apparatus for creating a color name dictionary and for querying an image by color name. In column 4, lines 19-26, a histogram tabulator 212 is disclosed. The histogram tabulator 212 counts occurrences of the pixels and of each identified color name volumes and computes fractional counts for each identified color name volume in an image region. It is further disclosed that color name histogram 214 is generated by the histogram tabulator 212 and provides the percentage occurrence of each of the color names within the selected image region of the particular image or of multiple images. However, unlike the recitations of claims 1-2, 4, 7-8, and 11, there is no disclosure of searching for specified multimedia data utilizing features and feature elements. Accordingly, Delp does not disclose all

of the recitations of claims 1-2, 4, 7-8, and 11. At least for this reason, a *prima facie* case of anticipation has not been established in the rejection of these claims under 35 U.S.C. § 102.

In response to the rejection of claims 13 and 14 under 35 U.S.C. §102(e) as being anticipated by Delp, the Applicants respectfully request reconsideration. These claims recite a method of constructing multimedia data comprising incorporating feature information and incorporating weight information. The step of incorporating feature information includes features and feature elements of an image. The step of incorporating weight information includes weight information of the features and the weight information of the feature elements. Delp has been discussed above. For similar reasons, as discussed above, Delp does not disclose incorporating features and feature elements. At least for this reason, a *prima facie* case of anticipation has not been established in this rejection.

In response to the rejection of claims 5-6 and 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Delp, the Applicants respectfully request reconsideration. These claims comprise the same recitations discussed above as claims 1-2, 4, 7-8, and 11. For similar reasons, as discussed above, Delp does not disclose all of the recitations of claims 5-6 and 9-10. At least for this reason, a *prima facie* case of obviousness has not been established in the rejection of these claims under 35 U.S.C. § 103(a).

The Applicants respectfully solicit favorable consideration of newly added claims 21-23. These claims recite searching for a target image based on search criteria, inputting a first image, inputting a second image, and correlating the first image and the second image to construct the search criteria. The first image is similar to the target image and the second image

is dissimilar to the target image. The Applicants respectfully submit that none of the applied prior art references disclose these recitations.

The Applicants respectfully request favorable consideration of newly added claims 24-26. These claims recite an apparatus configured to search for a target image based on search criteria. The searching for the target image comprises inputting a first image, inputting a second image, and correlating the first image and the second image to construct the search criteria. The first image is similar to the target image. The second image is dissimilar to the target image. The Applicants respectfully submit that none of the applied prior art references teach or suggest these recitations.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel H. Sherr**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. 09/495,250

Docket No. CIT/K-108

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read 'D.Y.J. Kim', with a stylized flourish at the end.

Daniel Y. J. Kim
Registration No. 36,186
Daniel H. Sherr
Registration No. 46,425

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 DYK/DHS:lms:ylw
Date: August 19, 2002